

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|---------------------------------------|----------------------|----------------------|------------------|--|
| 10/650,492 | 08/29/2003 | Jan Ake Hallen | Strom.7275 | 6984 | |
| | 7590 01/22/2007 nier & Stevens LLP | EXAMINER | | | |
| Suite 3300 | | | · TRUONG, KEVIN THAO | | |
| 225 Franklin Street Boston, MA 02110 | | • | ART UNIT | PAPER NUMBER | |
| , | | | 3734 | * | |
| | | | | <u> </u> | |
| SHORTENED STATUTOR | Y PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | | |
| 3 MONTHS | | 01/22/2007 | PAF | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | Application No. | Applicant(s) | | | | |
|--|--|--|--|--|--|--|
| · | 10/650,492 | HALLEN, JAN AKE | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Kevin T. Truong | . 3734 | | | | |
| The MAILING DATE of this communication app | | t with the correspondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPL | Y IS SET TO EXPIRE | 3 MONTH(S) OR THIRTY (30) DAYS | | | | |
| WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b). | DATE OF THIS COMMUNICATION OF THIS COMMUNICA | UNICATION. By a reply be timely filed MONTHS from the mailing date of this communication. BY ABANDONED (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1)⊠ Responsive to communication(s) filed on <i>Elec</i> | tion 12/22/2006. | | | | | |
| 2a) ☐ This action is FINAL . 2b) ☒ This | This action is FINAL . 2b)⊠ This action is non-final. | | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | | |
| closed in accordance with the practice under the | Ex parte Quayle, 1935 | C.D. 11, 453 O.G. 213. | | | | |
| Disposition of Claims | | • | | | | |
| 4)⊠ Claim(s) <u>1-18</u> is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) 10,12,16 and 18 is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6)⊠ Claim(s) <u>1-9</u> is/are rejected. | | | | | | |
| 7) Claim(s) <u>11, 13-15, and 17</u> is/are objected to. | 7)⊠ Claim(s) <u>11, 13-15, and 17</u> is/are objected to. | | | | | |
| 8) Claim(s) are subject to restriction and/o | or election requirement | | | | | |
| Application Papers | · | •• | | | | |
| 9)☐ The specification is objected to by the Examine | er. | | | | | |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection to the | drawing(s) be held in abo | eyance. See 37 CFR 1.85(a). | | | | |
| Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex | • | • | | | | |
| Priority under 35 U.S.C. § 119 | • | | | | | |
| 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: | n priority under 35 U.S. | C. § 119(a)-(d) or (f). | | | | |
| 1. Certified copies of the priority document | ts have been received. | | | | | |
| 2. Certified copies of the priority document | | | | | | |
| Copies of the certified copies of the price | • | een received in this National Stage | | | | |
| application from the International Burea | | | | | | |
| * See the attached detailed Office action for a list | of the certified copies | not received. | | | | |
| | | • | | | | |
| ·. | | | | | | |
| Attachment(s) | | OW Summon (DTO 442) | | | | |
| Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper | ew Summary (PTO-413) No(s)/Mail Date | | | | |
| 3) Anformation Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 12/1/03. | · — | of Informal Patent Application | | | | |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of figures 1a-1e in the reply filed on 12/22/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 2, 3, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 4. Claims 2, 3, and 9 recite the limitation "said connecting means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dimitriu (U.S. 5,957,931).

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Dimitriu discloses substantially as claimed in figures 1, 2, and 4-7, a suction cup (12) having a vacuum tube (22) and a connector piece (50); a towing means comprises a handle (at proximal end of 42), a connecting part (at 42), and a connector (44); a locking means (connection between connector (44) and connector piece (5)(see col. 5, lines 6-21)); said connector piece (50) and connector (44) are being movably fixable to each other (as shown in figures 5 and 6); wherein said connector piece (50) is an integrated part of the sphere of the suction cup (12); furthermore, wherein said connector piece (50) appears to have slot, recess, and spherical inner surface (see figures 1, 2, 4, 5, and 6).

Allowable Subject Matter

7. Claims 11, 13-15, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. King (U.S. 4,730,617) and Dimitriu et al. (U.S. 6,361,542) disclose an obstetric vacuum extractor having suction cup with vacuum tube and connecting means between handle and suction cup.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin T. Truong Primary Examiner Art Unit 3734

ktt